

1. Claims 5-8, 11-13 and 19 were amended in the response filed 5 January 2010. Claims 1-3, 5-19 and 24-26 are currently pending and claims 1-3, 5-12 and 19 are the subject of the instant Office action.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph R. Baker, Jr. on January 25, 2010.

The application has been amended as follows:

In the claims:

Please cancel claims 14-18 and 24-26 without prejudice.

5. (Currently Amended) The isolated polypeptide of claim 1, further comprising from 1 to 15 additional amino acids at the N- or C-terminus of the polypeptide comprising SEQ ID NO:5, wherein the polypeptide interacts with the amyloid form of the A β peptide comprising the A β 1-40 peptide.

6. (Currently Amended) The isolated polypeptide of claim I, further comprising from 1 to 10 additional amino acids at the N- or C-terminus of the polypeptide comprising SEQ ID NO:5, wherein the polypeptide interacts with the amyloid form of the A β peptide comprising the A β 1-40 peptide.

7. (Currently Amended) The isolated polypeptide of claim I, further comprising from 1 to 5 additional amino acids at the N- or C-terminus of the polypeptide comprising SEQ ID NO:5, wherein the polypeptide interacts with the amyloid form of the A β peptide comprising the A β 1-40 peptide.

8. (Currently Amended) The isolated polypeptide of claim I, further comprising from 1 to 3 additional amino acids at the N- or C-terminus of the polypeptide comprising SEQ ID NO:5, wherein the polypeptide interacts with the amyloid form of the A β peptide comprising the A β 1-40 peptide.

11. (Currently Amended) The polypeptide of claim I, further comprising a therapeutic or diagnostic compound conjugated to the polypeptide- detectable label conjugated to the polypeptide, wherein the detectable label is selected from the group consisting of a fluorescent moiety, a chromogenic moiety, a luciferase, biotin and a radiolabel.

12. (Currently Amended) A composition ~~useful for treating or diagnosing Alzheimer's disease~~ for detecting A β peptide comprising A β 1-40 peptide in a mammal comprising an ~~pharmaceutically or diagnostically acceptable carrier and therapeutically- or diagnostically-effective amount of a~~ the polypeptide of claim 11 as claimed in claims 1, 2 or 9.

13. (Currently Amended) A method of ~~treating or diagnosing Alzheimer's disease~~ detecting A β peptide comprising A β 1-40 peptide in a mammal ~~in need of such treatment, which~~ comprising administering to the mammal ~~a therapeutically- or diagnostically-effective amount of a~~ the composition as claimed in of claim 12.

19. (Currently Amended) A hybrid molecule comprising: a) a the peptide set forth in claim 1, 2 or 9, that specifically interacts with the amyloid form of the A β peptide comprising the A β 1-40 peptide; and b) ~~a diagnostic or therapeutic reagent~~ detectable label conjugated to the polypeptide, wherein the detectable label is selected from the group consisting of a fluorescent moiety, a chromogenic moiety, a luciferase, biotin and a radiolabel.

Rejoinder

3. Claims 1-3, 5-12 and 19 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claim 13, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a

restriction requirement, is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 4/3/08 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

4. Claims 1-3, 5-13 and 19 are allowed. Claims 5-12 were renumbered as claims 4-11 and claim 19 was renumbered as claim 12.
5. The title was changed to "Amyloid specific binding peptides and detecting A β peptide"

Conclusion

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chang-Yu Wang whose telephone number is 571-272-4521. The examiner can normally be reached on Monday through Thursday 8:00am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker, can be reached on 571-272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Christine J Saoud/
Primary Examiner, Art Unit 1647

/CYW/
Chang-Yu Wang, Ph.D.
January 25, 2010